THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No: 328 of 2006

DATED: 06.01.2006

Between:

Iftaikharunnisa

… PETITIONER

AND

The Union of India through the

Secretary to Government of India,

Ministry of External Affairs, New Delhi

& another.

… RESPONDENTS

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 328 of 2006

ORDER:-

This writ petition is filed to direct the 2nd respondent to rectify the date of birth of the petitioner in passport bearing
No.B-1001219, dated 29.10.1999 from 15.04.1946 to 15.04.1936.

The petitioner submits that she has obtained passport for the first time on 29.10.1999. She also submits that she being an uneducated woman her date of birth was wrongly mentioned in the passport application as 15.04.1946 instead of 15.04.1936 and accordingly, the passport bearing No.B-1001219, was issued on 29.10.1999. It is stated that the petitioner's son Mr. Syed Mohd. Shafeequr Rahaman @ Khaled was also a passport holder and his date of birth is mentioned as 15.10.1959.

It is stated that the petitioner could not have any issue within thirteen years and in fact her date of birth is wrongly mentioned and therefore, the petitioner approached the Special Executive Magistrate, Hyderabad under Section 13(3) of A.P. Birth & Death Act, 1969. The Special Executive Magistrate, Hyderabad, basing on the documents submitted by the petitioner and two other Gazetted Officers, found that the date of birth of the petitioner was 15.04.1936 and issued proceedings D.Dis.No.6329 of 2005, dated 26.11.2005. Accordingly, the petitioner filed an application before the Regional Passport Officer, Secunderabad for correcting her date of birth in the passport. Pursuant to the said representation, the petitioner was directed to furnish the civil Court order regarding the change of her date of birth.

It is stated that there is no educational certificate produced at the time of obtaining the passport, but however, to avoid future obligations as the date of birth of the petitioner's first son was entered as 15.10.1959, the petitioner filed the said application basing on the birth extract issued by the Special Executive Magistrate.

Having regard to the facts and circumstances of the case, the 2nd respondent is directed to rectify the date of birth in the passport of the petitioner bearing No. No.B-1001219, dated 29.10.1999, by changing the date of birth from 15.04.1946 to 15.04.1936 or issue fresh passport basing on the order, dated 26.11.2005, issued by

the Special Executive Magistrate.

Accordingly, the writ petition is disposed of. No order as to costs.

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05.01.2006

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